

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
JONATHAN S. STAMLER ) Group Art Unit: 1654  
Patent Application No. 09/757,610 ) Examiner: R.R. Teller  
Filed: January 11, 2001 )  
For: INHIBITING GS-FDH TO MODULATE )  
NO BIOACTIVITY )

#14  
M.9.1  
6/19/03

TECH CENTER 1600/2900  
RECEIVED  
03 JUN - 9 PM 2: 02

RECEIVED  
JUN 12 2003  
TECH CENTER 1600/2900

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the office action of

Please consider the following remarks.

Remarks

Claims 8-14 remain in the case.

There is a single rejection, namely Claims 8-14 are rejected under 35 U.S.C. 112, first paragraph, on the basis that enablement is not provided for killing or reducing the growth of pathologically proliferating mammalian cells *in vivo*. Reliance is placed on Dermer, G.B., Biotechnology 12, 326 (3/94) which takes the general position that cell line data is not sufficient to show *in vivo* utility.

Reconsideration is requested.

Firstly, the words of the rejection do not embrace Claim 9 since Claim 9 is not addressed to pathologically proliferating mammalian cells. Therefore, Claim 9 is clearly allowable.